

DEC 24 2008

PTO/SB/61 (11-08)

Approved for use through 12/31/2008. OMB 0551-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional)
First Named Inventor:	Wilson, James C.	Art Unit: 3611
Application Number:	10/550,944	Examiner: ISLAM, SYED A
Filed:	09/28/05	
Title:	FORM FITTING LABEL AND METHOD OF MANUFACTURER	
<p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>		
<p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p>		
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p>		
<p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.</p>		
<p>1. Petition fee</p> <p><input type="checkbox"/> Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Other than small entity – fee \$ _____ (37 CFR 1.17(l)).</p>		
<p>2. Reply and/or fee</p> <p>A The reply and/or fee to the above-noted Office action in the form of <u>Amendment</u> (Identify the type of reply):</p> <p><input checked="" type="checkbox"/> has been filed previously on _____.</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B The issue fee of \$ _____</p> <p><input type="checkbox"/> has been filed previously on _____.</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

{Page 1 of 3}

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal Information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

23 December 2008

Date

James C. Wilson

Typed or printed name

Registration Number, if applicable

300 N Prescott Ave.

727-744-7684

Address

Telephone Number

Clearwater, FL 33755

Address

Enclosure Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unavoidable delay**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

 deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

23 December 2008

Date



Signature

James C. Wilson

Typed or printed name of person signing certificate

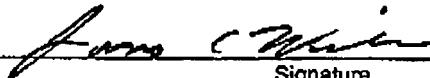
[Page 2 of 3]

DEC 24 2008

PTO/SB/81 (11-08)

Approved for use through 12/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

23 December 2008

Date

James C. Wilson

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)**Commissioner for Patents**

There was an unavoidable delay in the filing of my response to the final office action in my patent. Here is the sequence of events and actions.

1. Final response faxed and mailed on the 14 April 2008.
2. Notice of Abandonment 21 August 2008.
3. I called and found out the final response had not been received by the examiner. I resent the final response on 5 September.
4. In December I called the examiner as I had not gotten a response. He still did not have the response. I called the patent office general number to trace down the response I found out why it had not gotten to the examiner.

The only explanation we could come up with was the application number was incorrectly typed on the final response. It was typed 10/550.994 not 10/550.944. The final response was not in the incorrect numbered file either. The response had become lost even though all other data was correct and the patent was easily found by the person helping me.

I was never notified of this error and would have corrected if I had known. This was not intentional.

Attached is proof of the filled final response with the application number error.

also attached is the final response with corrected application number.

Please waive any fees associated with this Petition.

Respectfully Submitted,

James C Wilson
300 N. Prescott Ave.
Clearwater, FL 33755
PH: (727) 744-7684
FX: (813) 354-4880

(Please attach additional sheets if additional space is needed.)

TO:Auto-reply fax to 7274479371 COMPANY:



Auto-Reply Facsimile Transmission

TO: Fax Sender at 7274479371

Fax Information
Date Received: 4/14/2008 3:42:57 PM [Eastern Daylight Time]
Total Pages: 9 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 308 et seq.

Received
Cover
Page
=====>

4/14/2008 15:44 7274479371	FEDEX KINKOS 1617	PAGE 01/06
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE		
APPLICANT:	WILSON, JAMES C.	
SERIAL NUMBER:	10/730,994	
FILED:	09/28/05	
FOR:	FORM FITTING LABEL AND METHOD OF MANUFACTURE	
ART UNIT:	3611	
EXAMINER:	ISLAM, SYED A.	
CERTIFICATE OF MAILING I hereby certify that this communication is being placed in an envelope with sufficient postage affixed thereto and deposited as Express or Mail addressed to: U.S. Patent and Trademark Office, Commissioner for Patents, P.O. Box 1620, Alexandria, Virginia 22313-1620, on the 24 Day of April, 2008. By: James C. Wilson		
COMMISSIONER FOR PATENTS ALEXANDRIA, VA 22313-1620		
SIR: This is in response to the Final Office Action dated 01/16/2008. Please amend the above- captioned application as shown herin. Attached are: 1) Marked-up Copy of Claims as Amended; 2) Applicant's Remarks Reconsideration and Notice of Allowance are respectfully requested. If the Examiner is of the opinion that direct contact with applicant would expedite the prosecution of this case, the Examiner is hereby authorized to call the applicant collect at 727-744-7384.		
PAGE 04/15 * RCVD AT 11:14:42 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/6 * DNIS:2738300 * CSID:7274479371 * DURATION (mm:ss):04-08		



EB 884965896 WS

ORIGIN (POSTAL SERVICE USE ONLY)		
PO ZIP Code <u>33755</u>	Day of Delivery <input checked="" type="checkbox"/> Mon <input type="checkbox"/> Tues <input type="checkbox"/> Wed <input type="checkbox"/> Thurs <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Sun	Postage <u>\$1.00</u>
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Int'l Alpha Country Code		

FROM: (FLEXXO PRINT) PHONE: 723-744-7694

JAMES C WISON
300 N Prescot Ave
Glendale, AZ 85339

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Return Rept (Green Card)

Issue PVI: **\$18.70**

Total: \$18.70

Paid by:
AMEX
Account #: 12345678901234567890 \$18.70
Approval #: 504412
Transact #: 000
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COMPLETE THIS SECTION ON DELIVERY	
<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p> <p>B. Received by <input checked="" type="checkbox"/> Date of Delivery <input type="checkbox"/></p> <p>1</p> <p>C. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter 8750 10th Street, Suite 200, San Jose, CA 95103</p> <p>D. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>OSPTOMAIL CENTER</p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Domestic Mail <input type="checkbox"/> Registered Mail <input type="checkbox"/> Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>REENDER: COMPLETE THIS SECTION</p> <p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>Print your name and address on the reverse so that we can return the card to you.</p> <p>Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Address Addressed to:</p> <p>5-FED 25CAm California 100 115 5TH ST A 300 S. BRY 1450 Applewood, CA 95313</p> <p>Article Number (Transfer from service sheet)</p> <p>BB Form 3811, February 2004</p> <p>1023916-02-M-140</p>	

Key-Write™

300 N. Prescott Ave.
Clearwater, FL 33755
Phone - 727-744-7684
Fax - 813-354-4880

Syed A Islam
Patent Examiner
C/O Commissioner for Patents
Mail Stop AF
P.O. Box 1450
Alexandria, VA 22313-1450

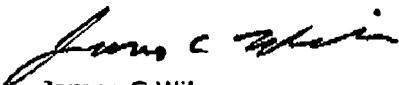
~~4 October 2008~~ 4 SEPTEMBER 2008

RE: Serial Number: 10/550,994

Sir,

Please accept this duplicate copy of my response to the Final Office Action dated 01/16/2008. Please place the response into the file and proceed with the prosecution of the patent. Apparently the original that was sent on 04/14/08 has been lost. Also attached is the return receipt of the document that was sent.

Respectfully Submitted,



James C Wilson
300 North Prescott Ave.
Clearwater, FL 33755
PH: (727) 744-7684
FX: (813) 354-4880